

REMARKS

The Applicant does not believe that examination of this response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the response contained herein be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated July 16, 2004 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the July 16, 2004 Office Action.

The Office Action rejects Claims 1, 12, and 17-20 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,539,354 issued to Sutton et al. (hereinafter referred to as Sutton, et al.), in view of U.S. Patent No. 6,232,966 issued to Kurlander (hereinafter referred to as Kurlander). The MPEP at §2131.01 states that:

Normally, only one reference should be used in making a rejection under **35 U.S.C. 102**. However, a **35 U.S.C. 102** rejection over multiple references has been held to be proper when the extra references are cited to:

- (A) Prove the primary reference contains an "enabled disclosure;"
- (B) Explain the meaning of a term used in the primary reference; or
- (C) Show that a characteristic not disclosed in the reference is inherent.

The Applicant, respectfully, asserts that it is not proper to employ multiple references for an anticipation rejection except for the above listed reasons. The use of multiple references in the anticipation rejection contained within the Office Action is not for any of the above listed reasons, therefore, the anticipation rejection contained within the Office Action is not proper.

Regarding Claims 1 and 9, the Examiner states that Sutton et al. disclose a visual system or program product stored on a recordable medium which when executed provides a visual speech system, comprising a text-to-animation system for generating a displayable animated face image that can reproduce facial movements corresponding to the received word strings and the received emoticon strings on Col. 20, lines 47-56. The Applicants would like to, respectfully, point out that Col. 20, lines 47-56 of Sutton et al.

teach the potential for the user to select an automatic expression however, there is no disclosure or suggestion within Sutton et al. a text-to-animation system for generating a displayable animated face image that can reproduce facial movements corresponding to the received word strings and the received emoticon strings as recited by rejected Claims 1 and 9. Simply put there is no animated face image within Sutton et al. for facial movements in response to text strings taught or suggested within Sutton et al.

The Examiner admits that Sutton et al. do not disclose a data import system for receiving text data that includes word strings and emoticon strings. The Examiner's position is that Kurlander teaches the use of emoticons as a shorthand means for generating emotional expressions. The Examiner states that it would have been obvious to one of ordinary skill at the time of the invention to modify Sutton et al. with the use of emoticons as a shorthand means for generating emotional expressions as taught by Kurlander as a more efficient means for controlling animated characters through text.

The Applicant respectfully disagrees. There is no disclosure or suggestion mention of an animated face image that can reproduce facial movements taught or suggested within either Kurlander or Sutton et al. Therefore, there are features defined by the rejected claims that are not taught or suggested by the rejection contained in the Office Action. The specification and rejected claims to the present invention specifically define subject matter for a text-to-animation system for generating an animated face image that can reproduce facial movements. These "facial movements" as defined by the present application for invention are in response to a text string inputs are not disclosed or suggested by either Sutton et al. or Kurlander either alone or in combination. The Applicant respectfully requests that the Examiner point out where either Sutton et al. or Kurlander disclose or suggest an animated face image that can reproduce facial movements in response to a text string inputs. An expression alone is not equivalent to a facial movement Therefore, this rejection is respectfully traversed.

Regarding Claims 2 and 3, these claims depend from Claim1 which as previously discussed is believed to be allowable. Therefore, Claims 2 and 3 are also believed to be allowable.

Regarding Claim 4, the Examiner states that Sutton et al. disclose an audio-visual interface for displaying the display able animated face image along with the audio speech

broadcast on Col. 20, lines 47-56. Claim 4 includes the limitations of Claim 1 which is believed to be allowable as previously discussed. Therefore, Claim 4 is also believed to be allowable.

Regarding Claims 5 and 10, the Examiner states that Sutton, et al. disclose the text-to-animation system that associates each emoticon string with an expressed emotion, and wherein the expressed emotion is reproduced on the animated face image with at least one facial movement on Col. 20, lines 19-23. The Applicants would like to, respectfully, point out that Col. 20, lines 19-23 of Sutton et al. teach the potential for the user to select an automatic expression however, there is no disclosure or suggestion within Sutton et al. for the text-to-animation system that associates the expressed emotion to be reproduced on the animated face image with at least one facial movement as recited by rejected Claims 5 and 10.

Regarding Claims 6 and 11, the Examiner states that Sutton et al. disclose a text-to-animation system that associates each word string with a spoken word, and wherein the spoken word is reproduced on the animated face image with at least one mouth movement on Col. 20, lines 19-21. The Applicants would like to, respectfully, point out that Col. 20, lines 19-21 of Sutton et al. teach the potential for the user to select an automatic expression however, there is no disclosure or suggestion within Sutton et al. for a text-to-animation system that associates the spoken word reproduced on the animated face image with at least one mouth movement as recited by rejected Claims 6 and 11.

The Examiner making the rejection with regard to Claims 17 and 19 states that Sutton, et al. disclose a method of performing visual speech on a system having a displayable animated face image comprising the steps of: converting the word strings to audio speech; converting the word strings to mouth movements on the displayable animated face image, such that the mouth movements correspond with the audio speech; converting the emoticon strings to facial movements on the displayable animated face image, such that the facial movements correspond with expressed emotions associated with the entered emoticon strings and displaying the animated face image along with a broadcast of the audio speech. The Examiner further states that it would have been obvious to one of ordinary skill at the time of the invention to modify Sutton et al. with

the use of emoticons as a shorthand means for generating emotional expressions as taught by Kurlander since it is a more efficient means for controlling animated characters through text. As previously discussed in response to the rejection of Claims 1 and 9, there is no teaching or suggestion of facial movements corresponding with expressed emotions associated with the entered emoticon strings and displaying the animated face image within either Sutton et al. or Kurlander. Therefore, this rejection is, respectfully traversed.

The Examiner making the rejection with regard to Claims 7, 12, and 18 states that Sutton et al. disclose on Col. 20, lines 32-41 system or program with at least one facial movement is morphed with the at least one mouth movement. The Applicant respectfully points out that the rejected claims define subject matter for facial movements via morphing mouth movements in response to expressed emotions contained within test strings. Sutton et al. do not teach facial movements in response to text strings.

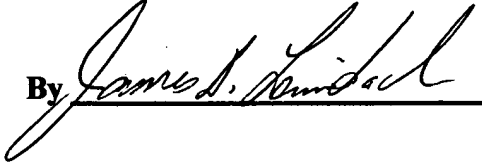
The Examiner making the rejection with regard to Claim 20 states that Sutton et al. disclose a visual speech system comprising a data import system for receiving text data that includes at least one emoticon string, wherein the at least one emoticon string is associated with a predetermined facial expression. As previously discussed in response to the rejection for Claims 1 and 9, Sutton et al. do not disclose or suggest facial movements in response to the reception of text data. Accordingly, this rejection is respectfully traversed.

The Office Action rejects Claims 13-16 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Sutton et al. in view of Kurlander and further in view of U.S. Patent No. 5,963,217 issued to Grayson, et al. (hereinafter referred to as Grayson, et al.). The Examiner states that Grayson et al. disclose an electronic conferencing system over a computer network to import, export and translate text audio data into audible speech. The Applicant, respectfully points out that the combination of Sutton et al. with Kurlander and Grayson et al. does not disclose or suggest facial movements in response to the reception of text data. The Office Action provides no disclosure, or suggestion, within the cited references for using “emoticon strings” to display facial movements. Accordingly, this rejection is respectfully traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

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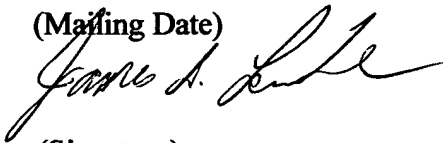
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop: Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

on: October 16, 2004

(Mailing Date)



(Signature)